

Frequently Asked Questions (FAQ) about beverage-related businesses, such as wine, beer, and distillery tasting rooms

1. Do beverage focused businesses (wineries, breweries, distilleries) need to get a permit?

Yes. Businesses that provide food or beverages to the public are required to obtain a food establishment permit from the local health department. The food code defines beverages as a food, therefore businesses that are beverage related, such as wine tasting rooms, tap rooms and distillery tasting rooms are required by the Food Code to get a permit. This includes submittal of facility plans for review and approval by Public Health and to obtain and operate under a food establishment permit that is renewed annually. The annual permit cycle for food establishment permits is April 1 to March 31 of the following year.

2. Why do businesses get permits from the Health Department?

Food safety is an important public health priority. Foodborne illness (sometimes called "foodborne disease," "foodborne infection," or "food poisoning") is a common, costly—yet preventable—public health problem. The Center for Disease Control estimates that each year roughly 1 in 6 Americans (or 48 million people) get sick, 128,000 are hospitalized, and 3,000 die of foodborne diseases (CDC).

The Food Program in King County promotes healthy communities by reducing risk to foodborne illness and advancing food safety. The plan review and permitting process provides food safety oversight of facilities (e.g. water supply, plumbing, refrigeration, storage) and food handling (e.g. proper hand washing, cleaning and sanitizing, temperature control).

3. My tasting room has been in operation for a number of years now. Why am I now being told that I need to get an annual food establishment operating permit and to submit plans?

The Food Protection Program is a full cost-recovery model that is required to cover the costs of services equitably through fees to permitted businesses. From 2012 to 2015, Public Health created a pilot program that extended an opportunity for wine and distillery tasting rooms to apply for an exemption from the requirement to obtain an annual operating permit. The pilot showed that the compliance rate with the expectations of this exemption opportunity was 50%. Additionally, fees paid by these businesses did not cover the cost of services provided to these businesses. Therefore, to ensure permit fees for all businesses are applied equitably, as of April 1, 2016, all wine and distillery tasting rooms that have previously received an exemption from an annual operating permit are required to obtain and annually renew a food establishment permit.

This is also consistent with guidance from the Washington State Department of Health encouraging local health jurisdictions to work toward greater consistency in tasting room permitting and operations under applicable provisions of the Food Code. In King County, many tasting rooms have already obtained food establishment operating permits and have submitted plans for approval prior to operating.

4. What if I have received a prior exemption from permit?

For businesses that have received a prior exemption from permit (which included an approved variance), they will not need to go through the plan review process, and will be able to obtain a permit by completing the [permit application](#). Public Health will continue to honor physical facility related variances (such as types of hand sinks and distances to restrooms.)

Once permitted, operations are expected to comply with the conditions of their approved variance. If they are found to be operating out of compliance with the conditions, the variance may be terminated and they may be required to complete plan review and comply with code requirements for the physical facility issue (such as installing a handsink at the tasting bar.)

5. How do I start the Plan Review Process?

Your first step is to thoroughly read through the [Plan Review Guide for Permanent Food Service Establishments](#). The Plan Guide describes in specific detail the various documents, plans and fees required for Public Health plan review. The Plan Guide also includes contact information for plans examiners who are available for coaching on the plan review

process. Please be aware that the time you spend in discussions with a plans examiner is included as billable time at the Environmental Health Division's hourly rate (currently \$215 per hour).

6. I have completed the Plan Review Application. What do I do next?

The next step is to schedule an in-person plan review intake meeting with a plans examiner. At this meeting, the plans examiner will screen the application to ensure that the necessary information is provided for completing plan review. After plan review is complete, you will be eligible to apply for an annual operating permit.

7. How long does the plan review process take?

Our goal is to complete initial plan review within 21 business days from the day that complete plans are submitted to our office. If the plans examiner has questions or comments, you will be contacted via email, phone, and/or letter for additional information in order to complete plan review and approve your plans. The more complete your application, the less likely there will be delays.

8. My plans have been approved. What else do I need to do?

- Complete an application for your annual Food Establishment operating permit. This is a separate application and fee from the plan review fee. [Blank applications](#) are available on Environmental Health Division's website. You may also apply for and renew your annual Food Establishment permit on the [Public Health portal](#).
- Ensure that your plumbing permit has been approved and that you have received any required approvals from building and land use agencies.
- Once you have received any required plumbing and building department approvals, contact your Public Health plans examiner to make an appointment for a preoperational inspection of your food establishment. Contact the plans examiner at least one week in advance to schedule your pre-operational inspection. The plans examiner will provide a "Preoperational Checklist" with your approved plans. Follow this list to ensure that you will be ready for the inspection.
- Once the plan reviewer has completed the preoperational inspection and confirmed that your facility has been constructed as required, you may open for business.

9. How much will plan review and an operating permit cost?

The standard Public Health plan review fee is a base fee of \$860 for up to 4 hours of plan review time and \$215 per hour for plan review service time beyond four hours.

Permit fees range from \$380 - \$1,158 and are based on the number of seats and the risk classification. The current fee schedule is included in the permit application.

10. How do I determine the risk level of the menu served at my tasting room?

The plans examiner will assign a permit classification to your business based on your proposed menu and food handling processes. Three risk levels are used to determine the annual permit fee and inspection frequency for food establishments. The risk level is based on the types of food offered at an establishment and the complexity of food handling.

- **Risk Level 1 Tasting Rooms** - This risk level is assigned to tasting rooms that reuse glassware. Tasting rooms under this risk level may also offer commercially packaged portions of cheese. Other activities allowed under the Risk 1 category include preparation of espresso and/or blended drinks and service of hot dogs. Risk Level 1 Tasting Rooms are inspected once a year.
- **Risk Level 2 Tasting Rooms** - This risk level is assigned to tasting rooms that receive, store, prepare, cold hold, and serve potentially hazardous foods. It includes limited preparation steps, such as baking bread, assembly of cold sandwiches or toasting/grilling sandwiches for immediate service. Examples include tasting rooms that offer pre-sliced cheese and deli meats, slice cheese and deli meats on-site or prepare sandwiches. Risk Level 2 Tasting Rooms receive one routine inspection and one educational visit each year.
- **Risk Level 3 Tasting Rooms** - This risk level is assigned to tasting rooms with complex food preparation steps, including thawing, cutting, cooking, cooling, cold holding, reheating, hot holding, time as a control, Approved HACCP and serving of potentially hazardous foods. It includes all operations that provide cooking or hot holding of foods. Risk Level 3 Tasting Rooms receive two routine inspections and one educational visit each year.

11. Are shared facilities allowed (such as glassware washing, mop sinks and restrooms, etc.)?

If shared facilities, such as glassware washing and mop sinks are directly accessible to multiple tasting rooms, the tasting rooms may propose to jointly use and be jointly responsible for maintaining the shared facilities. If the shared facilities are not directly accessible, a tasting room may propose their use as part of a Request for Variance from the Food Code (and the facilities must usually be accessible within 200 feet of the tasting room). The Food Code requires that restrooms for employee use be accessible within 200 feet of the food establishment. Restroom access and maintenance may be shared by more than one tasting room. A Request for Variance is not needed to share restrooms within 200 feet of each tasting room.

12. The wastewater from my business is handled by a septic system. How do I proceed?

First, find out if your facility has a septic system that is approved for your business operation. For further information, please call Public Health's Wastewater Program Sanitarian of the Day at (206) 477-8050. You must be able to demonstrate that your septic system is approved for your business and this approval must be included with your plans for Food Establishment Plan Review.

13. My employees have Liquor Control Board alcohol server permits, why do they need a Food & Beverage Service Workers' ("Food Workers") Permit?

Food & Beverage Service Workers' Permits are required by state law (Chapter 69.06 RCW) for all people working with or around open food or beverages. To get a Food Worker' Permit, food workers take a class and pass a test. Having a Food Workers' Permit means that you have demonstrated basic food safety knowledge to prevent food borne illness. The Liquor Control Board alcohol server permits are intended to prevent sales of alcohol to underage or intoxicated customers.

14. How do I obtain a Food & Beverage Service Workers' Permit?

Classroom and online instruction and exams are available. Visit our website at www.kingcounty.gov/health/foodworker for details.

15. Can I use a licensed caterer to provide food service at my tasting room?

Yes, licensed caterers can be used for catering; however this is not a substitute for your businesses being permitted. Licensed catering requires the caterer to prepare foods in an approved kitchen (such as a restaurant or commissary). The caterer must maintain control of the food until the food is served to the individual consuming the food. This means that the caterer must be the food server and also be responsible for cleaning up after the event. Generally, a catering license allows the caterer to provide food service to discrete, private events that are not open to the public and where the quantity and variety of food is arranged for and paid in advance (such as wedding receptions). If events are publically advertised or customers pay individually for the food being provided, the food service must be licensed as a general food establishment or a temporary food establishment. Visit our catering business webpage for details.

16. What about private events? Are permits required for private events?

Permits are not required for private events that meet the Food Code definition of "private event." A private event is a private gathering restricted to members and guests of members of a family, organization, or club; where the event is not open to the general public; and where food is provided without compensation. A business that prepares and provides food to private events would need to be licensed for catering.

17. My tasting room is not open every day. Do I qualify for a Temporary Food Service Establishment Permit?

Temporary Event Permits are typically used in conjunction with temporary events like fairs, festivals, Barrel Tasting, Passport Weekend and farmers' markets. The Food Code defines "Temporary Food Establishment" as:

- a. Operating at a fixed location, with a fixed menu, for not more than twenty-one (21) consecutive days in conjunction with a single event or celebration, such as a fair or festival; or
- b. Operating not more than three days per week at a fixed location, with a fixed menu, in conjunction with an approved recurring, organized event, such as a farmers market.

Temporary Event Permits are not issued to ongoing operations. If an event is not advertised publicly and attendance is restricted to members and guests of a family, club or organization (not open to the general public,) a Temporary Event Permit may not be needed. It is best to contact the Food Program to determine if a Temporary Event Permit

is needed. Businesses and events found to be operating without a permit are subject to closure and may incur penalty fees. Visit our website to learn more about [Temporary Event permits](#) or call 206-263-9566.

18. How about licensed mobile food vehicles? Can they be used to provide food service to my wine or distillery tasting room?

Yes, they can, however this is not a substitute for your businesses being permitted.

19. Are some tasting rooms totally exempt from the Food Code?

Possibly. Tasting rooms that limit operations in the following ways are totally exempt from the Food Code and are not required to obtain an operating permit or submit plans: Non-potentially hazardous beverages are served directly into single-service articles from the original container (bottle or can); Single-service articles include providing customers with new, clean glassware to keep; customer's own glassware for their own use, or disposable cups.

Other activities that are exempt from the Food Code include the offering of non-potentially hazardous, ready-to-eat foods produced in a licensed food establishment or food processing plant (such as crackers or pretzels) that are served without direct hand contact, with limited portioning, directly onto or into sanitary single-use or single-service articles from the original package. If you are uncertain if Public Health plan review and permits are required for your operation, please contact a Public Health plans examiner (contact information is included in the [Plan Guide for Permanent Food Establishments](#).)

20. I have ideas for operations or facilities that are different than what is required by the Food Code. How do I request review of alternative approaches or variances to Food Code compliance?

An applicant can submit a Request for Variance from the Food Code at any time. Generally, the request must include enough information to demonstrate that public health is protected by the alternative approach at essentially the same level as compliance with the Food Code.